

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 1/7/11  
49th Day: 2/25/11  
180th Day: 7/6/11  
Staff: Meg Vaughn-LB  
Staff Report: 2/16/11  
Hearing Date: 3/9-11/11  
Commission Action:

**W 6a****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-10-266

**APPLICANT:** Jim & Kelly Mazzo

**AGENT:** John McNeely

**PROJECT LOCATION:** 2576 Monaco Drive, Irvine Cove, Laguna Beach, Orange County

**PROJECT DESCRIPTION:** Demolition of an existing single family residence and construction of a new 6,906 square foot, 15 foot high (above finished grade), two level (including a 1781 square foot basement) single family residence with an attached, lower level, 979 square foot, three car (including one set of tandem spaces) garage. Excavation of 2,018 cubic yards of cut is proposed along with 118 cubic yards of fill, for a total amount of 1900 cubic yards of export.

**LOCAL APPROVALS RECEIVED:** City of Laguna Beach Approval-In-Concept, dated 11/2/10.

**SUBSTANTIVE FILE DOCUMENTS:** AM&M (Alternative Materials & Methods fire protection plan) Proposal for 2576 Monaco Drive, prepared by Dudek, dated 4/20/10; City of Laguna Beach Approval in Concept, dated 11/2/10; City of Laguna Beach certified Local Coastal Program (used as guidance in this area of deferred certification).

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing construction of a new single family residence to replace the existing single family residence. The major issues with this development are its proximity to undisturbed open space therefore raising concerns about impacts to biological productivity, water quality, and potential fire hazards.

Commission staff is recommending **APPROVAL** of the proposed project with **six (6) Special Conditions** regarding: **1)** requiring the to applicant submit evidence of approval by the City of Laguna Beach Fire Department of the proposed Alternative Materials & Methods fire protection plan; **2)** conformance with geotechnical recommendations; **3)** conformance to proposed drainage plan; **4)** an assumption of risk; **5)** requiring CDP for any other future development; and **6)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**LIST OF EXHIBITS**

1. Location Map
  2. Assessor's Parcel Map
  3. Project Plans
- 

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

*I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Alternative Materials & Methods Fire Protection Plan

- A. All fuel modification shall be consistent with the Alternative Materials & Methods (AM&M) Fire Protection Plan prepared by Dudek, dated April 20, 2010. As described in the AM&M, all fuel modification, including vegetation clearance and thinning, shall be contained on-site.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, written evidence that the Laguna Beach Fire Department (LBFD) has reviewed and approved the proposed Alternative Materials & Methods Fire Protection Plan prepared by Dudek, dated April 20, 2010. The LBFD's approval must specifically reference inclusion of the proposed planting of *Baccharis pilularis* twin peaks as depicted on the proposed Landscape Plan, Sheet L-11, dated 11/6/09 prepared by David A. Pedersen, Inc. (or other local native, non-invasive planting acceptable to the Executive Director).
- C. The permittee shall undertake development in accordance with the final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- D. For purposes of this permit, this condition shall serve as notification to present and future property owners that certain structures and areas of land are subject to special fuel treatment requirements that are specified in the approved plans. Structures are required to incorporate building construction features consistent with local fire authority guidelines for construction of structures within special fire hazard areas. Furthermore, there is a prohibition on the placement of combustible materials in an area of land that abuts undeveloped land. Proposed and future development shall conform to the requirements of the approved Alternative Materials & Methods Fire Protection Plan.

#### 2. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall meet or exceed all recommendations and requirements contained in Geotechnical Investigation, New Residence, Mazzo Residence, 2576 Monaco Drive, Laguna Beach, CA 92653 (Job No. 2856), prepared by Coleman Geotechnical, dated April 7, 2010.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, all final design and construction plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.

- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.

**3. Conformance to Proposed Drainage Plan**

- A. The applicant shall conform to the drainage plan depicted on the Preliminary Grading Plan, Sheet GR-2, prepared by McNeely Moore Architecture, dated 9/29/10.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**5. Future Improvements**

This permit is only for the development described in Coastal Development Permit No. 5-10-266. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-10-266. Accordingly, any future improvements to the single-family residence authorized by this permit, including but not limited to improvements to the residence, hardscape, changes to landscaping/fuel modification plan, change in use from a permanent residential unit and repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-10-266 from the Commission or shall require an additional coastal development permit from the Commission.

**6. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an

extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. PROJECT LOCATION AND DESCRIPTION**

The subject site is located at 2576 Monaco Drive in Laguna Beach. The subject site is an interior lot in Irvine Cove, a locked gate community in north Laguna Beach. The lot area is 14,850 square feet. The applicant proposes to demolish the existing 2,639 square foot single family residence and attached 1,125 square foot garage at the site and construct a new 6,906 square foot, 15 foot high (above finished grade), two level (including a 1781 square foot basement) single family residence with an attached, lower level, 979 square foot, three car (including one set of tandem spaces) garage. Excavation of 2,018 cubic yards of cut is proposed along with 118 cubic yards of fill, for a total amount of 1900 cubic yards of export.

The subject site abuts an undeveloped, area owned by the Irvine Cove Community Association. The area is covered primarily with native vegetation. The rear of the subject site slopes uphill and abuts this area of native vegetation. Rather than clearing vegetation in graduated levels of fuel modification zones, the applicant has proposed an alternative method of fire protection for the proposed development. The alternative fire protection proposed is contained in a document known as an AM&M (Alternative Materials & Methods). The proposed AM&M is titled "AM&M Proposal for 2576 Monaco Drive and was prepared by Dudek, dated April 20, 2010. Describing the site, the AM&M states:

*"The topography of the site includes the existing residence pad [at roughly 101 feet above mean sea level [amsl]] which sits at a slightly higher elevation than the adjacent Monaco Drive (elevation of approximately 97 feet above mean sea level). Approximately 10-12 feet behind the rear wall of the structure is a several foot tall retaining wall delineating the patio area of the rear yard. From the top of the retaining wall, the property slopes up and away to the rear property line which is at an elevation of approximately 130 feet (amsl). The slope continues upward from there into the wildland area associated with Abalone Hill, where elevation at the highest point is roughly 197 feet (amsl). Abalone Hill is an isolated wildland "island" on the south side of Pacific Coast Highway. It is naturally vegetated with non-native grasses and widely scattered shrubs including lemonadeberry (*Rhus integrifolia*). This vegetation is sparse and well-spaced and exhibits properties consistent with a thinned fuel modification zone."*

The proposed Alternative Materials and Methods include (all of which will occur on the applicant's property, not the adjacent undeveloped parcel): requiring that the entire property to be maintained as a reduced fuel, irrigated zone. Many of the trees on-site will be removed, including Brazilian pepper trees on the rear slope. The remaining vegetation on the rear slope area will removed and/or thinned. Dead thatch build up is proposed to be removed. This rear slope area is proposed to be replanted with coastal native plant *Baccharis pilularis* twin peaks as depicted on the proposed Landscape Plan, Sheet L-11, dated 11/6/09 prepared by David A. Pedersen, Inc. Irrigation on the rear slope is also proposed. On-going maintenance to prune foliage, remove plant litter and dead wood to reduce fuel load is also proposed. The undeveloped, rear slope area ranges in width from approximately 24 to 34 feet.

The proposed AM&M is expected to be effective in reducing the fire risk at the site for a number of reasons including the following: the rear yard slopes up to the open space area and fire tends to run uphill (i.e. away from the proposed development). The topographic situation at the site means that in the event of fire on Abalone Hill, the Hill, even when driven by winds from the north/northeast (Santa Ana winds), will be primarily a backing fire, creeping down the slope exhibiting low flame lengths and low fire intensity. This type of backing fire is typically less intense and poses less threat to structures, especially structures that include construction to Chapter 7A of the 2007 CFC (California Fire Code), as this structure is proposed to be. In addition, Abalone Hill is somewhat isolated from the wildlands to the north (i.e. separated from them by Pacific Coast Highway and other development). Also, it is sparsely vegetated and naturally mimics a Zone C, thinned fuel modification zone. Furthermore its coastal location will result in higher humidity and lower temperatures for most of the year. When Santa Ana winds blow in the fall, humidity may drop and temperatures rise, but the area will still be relatively more humid and cooler than more inland locations, providing an “insulating” effect that helps reduce the likelihood of catastrophic wildfire generally. Also, the structure is proposed to be built to the most recent California Building (Chapter 7A) and Fire Codes. These codes have recently been adopted and focus on preventing embers from penetrating into structures, a leading cause for structure loss from wildland urban interface fires. Thus, an equivalent level of fuel modification protection is expected to be achieved even though the traditional, graduated levels of fuel modification are not proposed.

The Laguna Beach Fire Department has reviewed and approved the proposed AM&M document. However, two different landscape plans supporting the AM&M were considered at different times. One identifies the rear slope planted with *Baccharis pilularis* twin peaks; the other shows the rear slope to be planted with *Apetenia cordifolia* (red apple ice plant), which is not a California native plant. Regarding *apetenia cordifolia*, the website Invasive Plants of California ([www.cal-ipc.org](http://www.cal-ipc.org)) states: “When watered, red apple overwhelms all neighboring vegetation, climbing over anything in its path. It is listed as a wildland weed red alert as it has only recently become a problem. It has been used in landscaping adjacent to riparian areas within the urban interface, so it can easily spread into and dominate more natural riparian and wetland areas.” In this case, the area where it is to be planted will be irrigated, so that the danger of invading the adjacent native vegetation would be great. Thus, this plant is not acceptable at this site. However, the Theodore Payne Foundation website ([www.theodorepayne.org](http://www.theodorepayne.org)) describes *Baccharis pilularis* twin peaks as “A top performer for erosion control. Great for slopes. Drought tolerant and stays green all year. Does not tolerate shade. A superb groundcover.” In addition, it is native to coastal California. It is not clear which version of the landscape plan the Lbfd reviewed. A response to a request for clarification sent to the fire department on February 2, 2010 has not been received as of the date of this staff report. Therefore, a condition is imposed requiring evidence of review and approval of the proposed AM&M, including the *Baccharis pilularis* twin peaks on the rear slope, by the City of Laguna Beach Fire Department.

## **B. HAZARDS**

Development adjacent to undeveloped vegetated slopes such as is proposed at the subject site, is inherently hazardous due to the risk of wildfire. Development which may require removal of sensitive vegetation off-site for fire protection cannot be allowed if avoidable due to the adverse impacts such development has upon sensitive vegetation communities. To minimize risks to life and property, the development, as proposed is set back from the adjacent sensitive vegetation and includes an Alternative Materials & Methods Fire Protection Plan that will assure adequate fire protection measures will be contained within the subject site. The proposed project has been conditioned: to conform to these measures as proposed and requires that the applicant and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**C. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 5, which requires either an amendment or an additional coastal development permit from the Commission for any future improvements to the single-family residence not authorized by this permit.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**D. PUBLIC ACCESS**

The proposed project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. However, the proposed project will not create new adverse effects on public access. The proposed development, on an existing residential lot, will not affect the existing public access conditions. It is the locked gate community, not this home that impedes public access. The nearest public access is located approximately ½ mile west of the site, at Crystal Cove State Park.

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**E. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into the storm drain system and, ultimately, into coastal waters. The applicant is proposing water quality measures as part of the proposed project such as directing runoff to permeable, vegetated areas and a trench drain in the driveway. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, use of one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**F. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the

authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**G. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

The subject site is located within the Irvine Cove area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

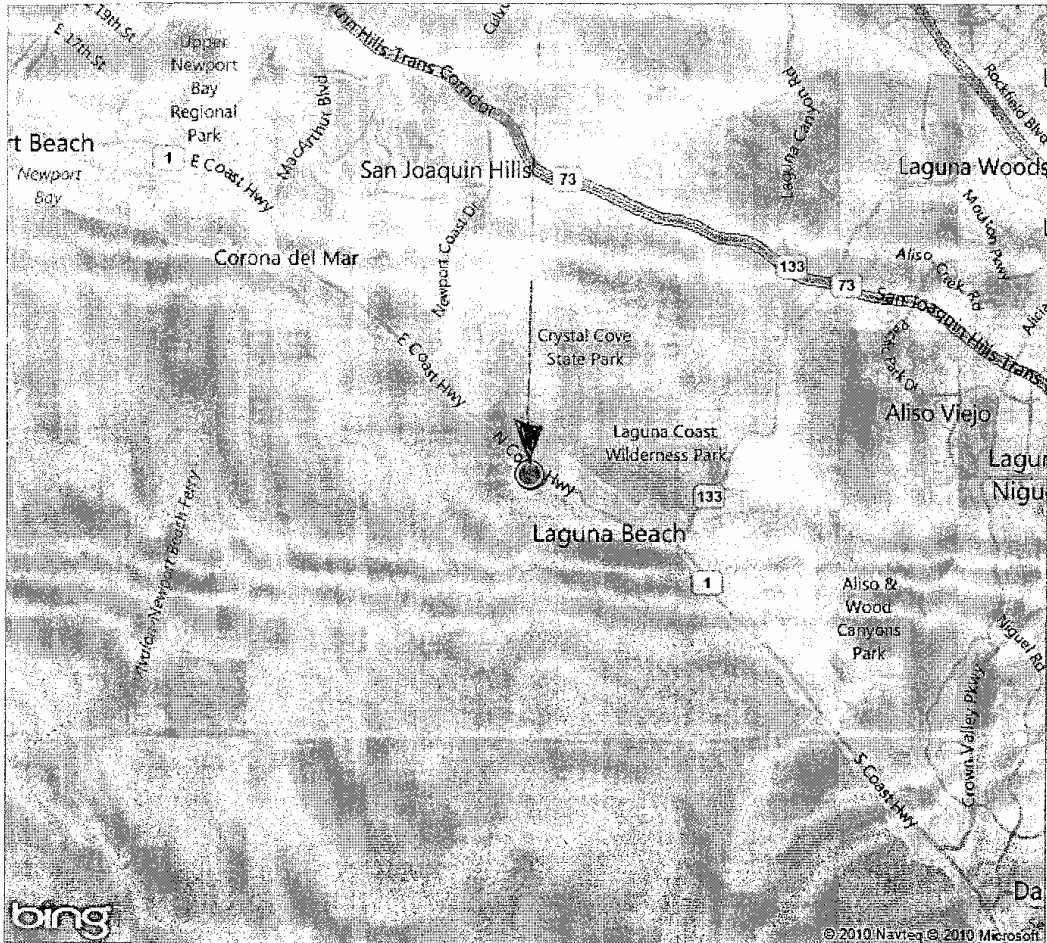
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



COASTAL COMMISSION

EXHIBIT # \_\_\_\_\_

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COASTAL COMMISSION

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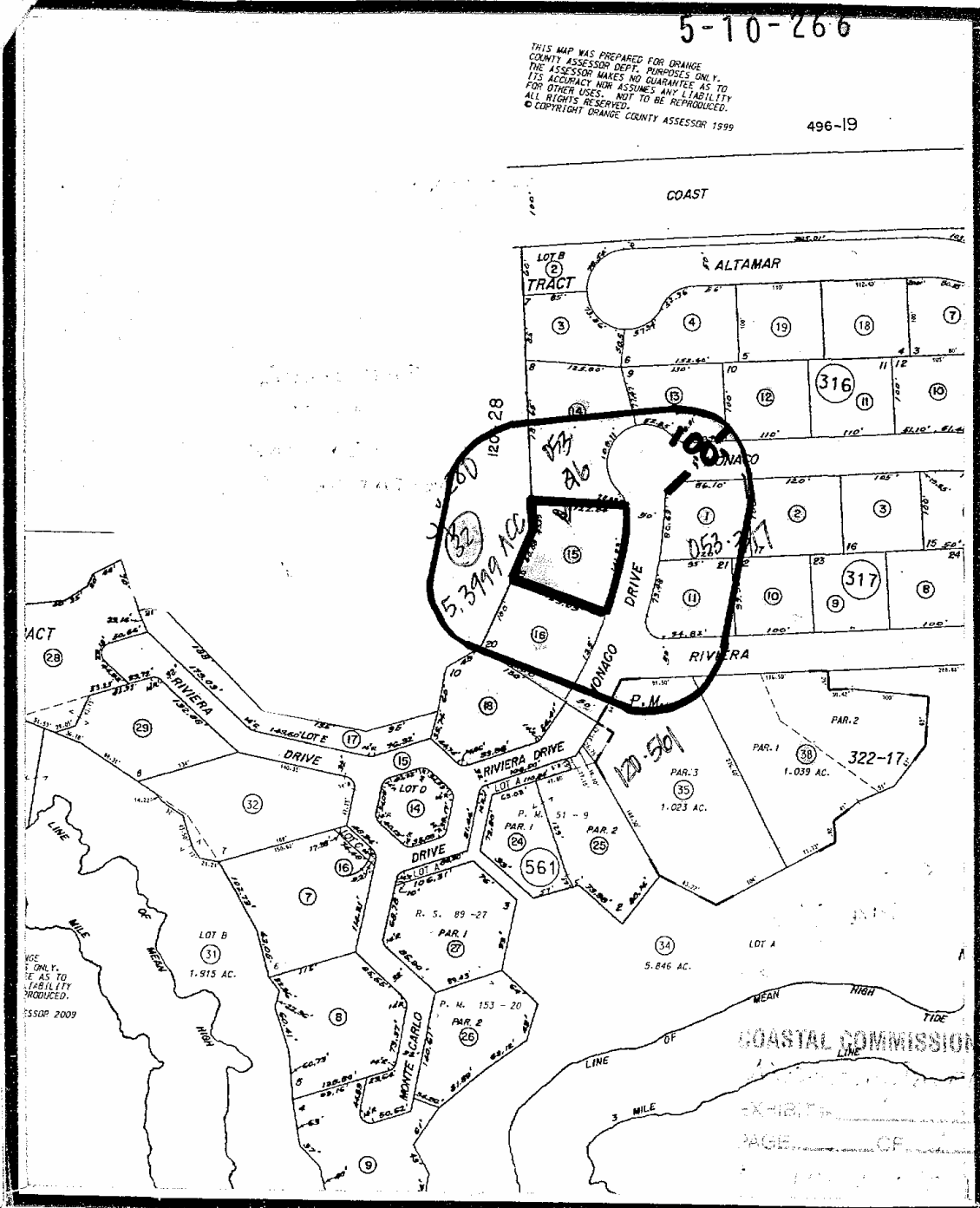
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**Ownership Map**

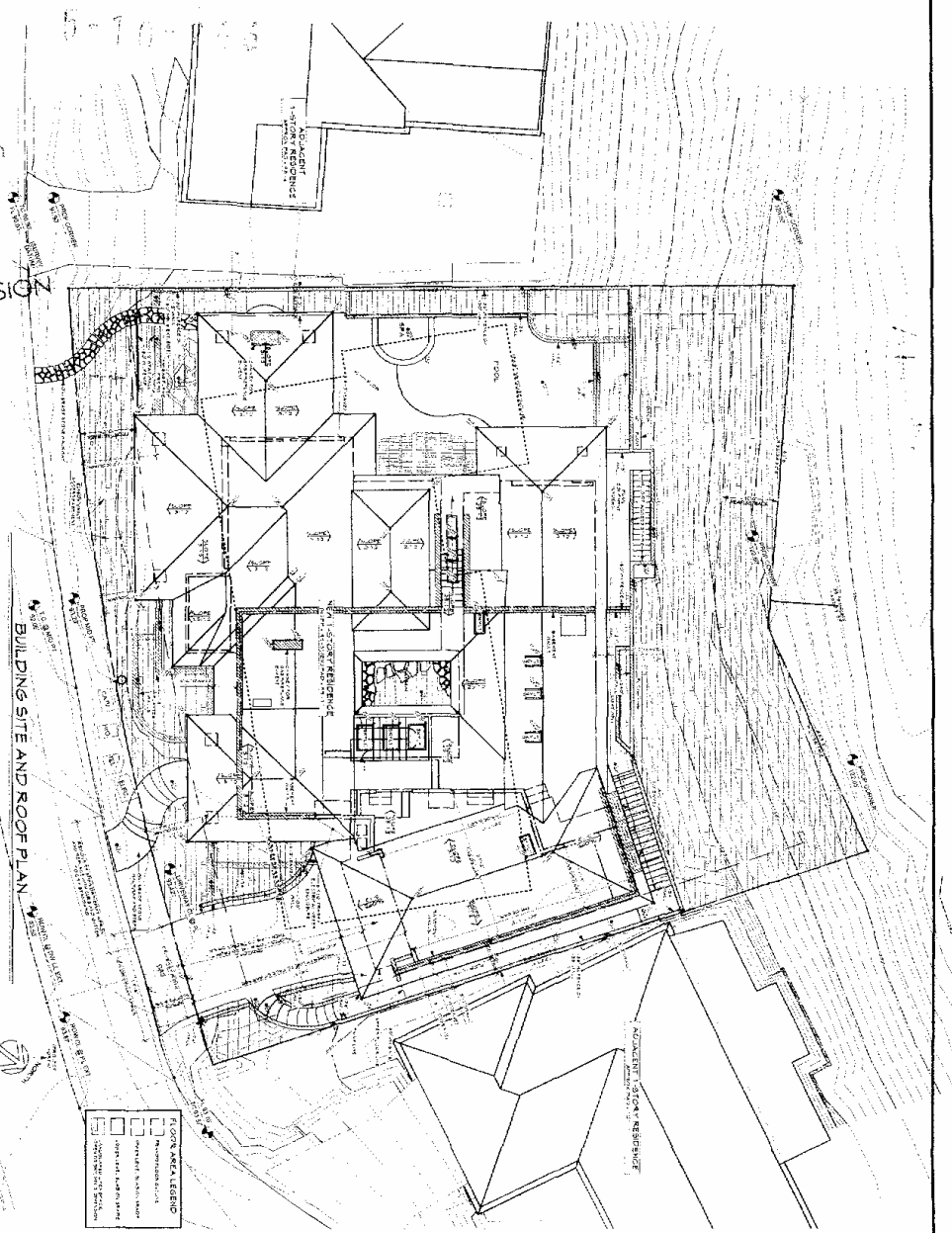
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SUSAN W. CASE, INC.  
917 GLENNEYRE ST #7  
LAGUNA BEACH CA 92651  
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susancaseinc@yahoo.com

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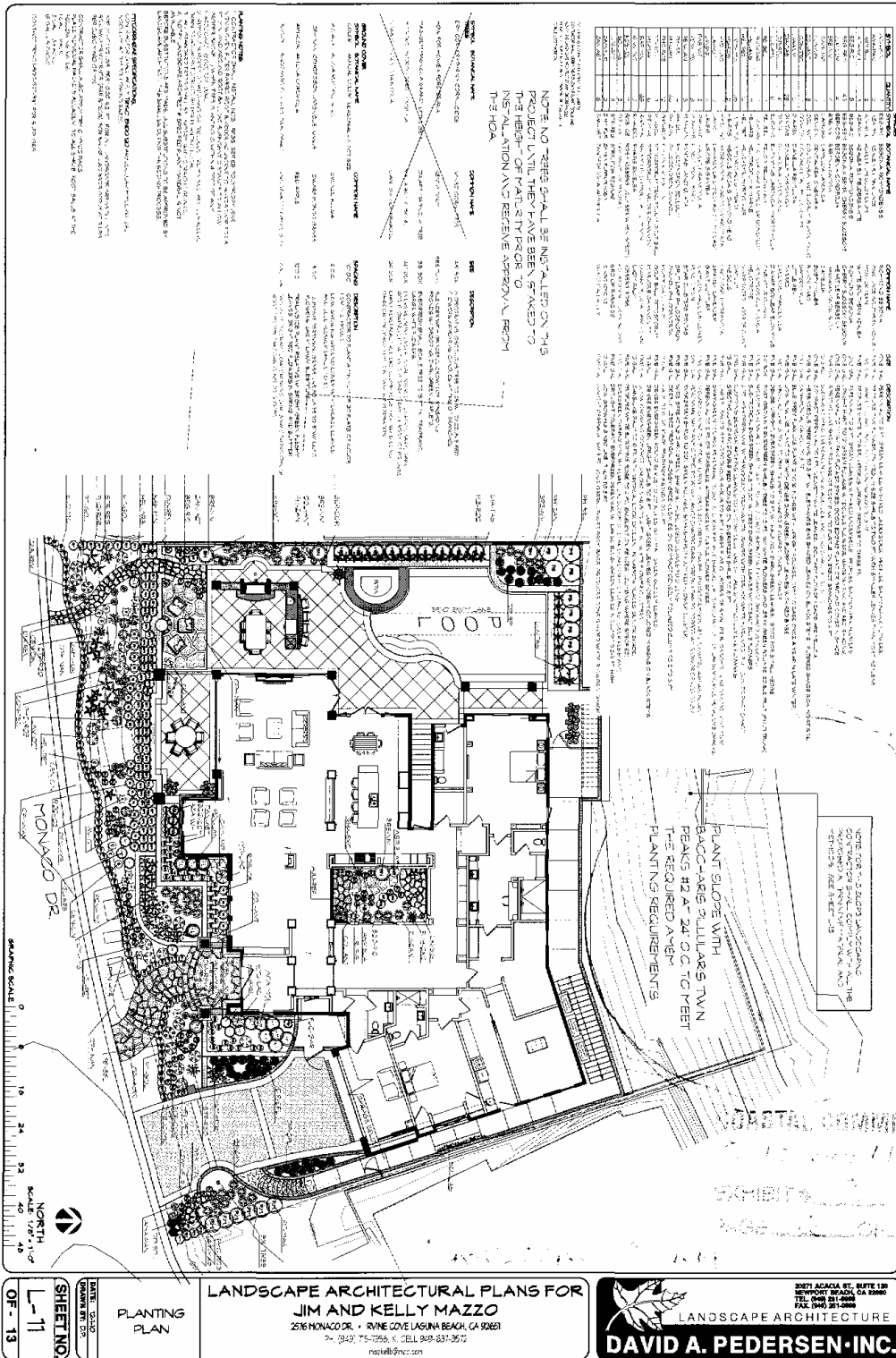
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CALIFORNIA  
COASTAL COMMISSION



CALIFORNIA COASTAL COMMISSION  
PROJECT NO. 5-10-266  
SHEET **3**  
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IV 12 11	SITE PLAN GENERAL NOTES	MAZZO RESIDENCE 2576 MONACO DRIVE LAGUNA BEACH, CALIFORNIA		<small>DATE: 10/20/10</small> <small>SCALE: AS SHOWN</small> <small>PROJECT NO. 5-10-266</small> <small>SHEET NO. 3</small> <small>PAGE 12 OF 12</small>
	<small>DESIGNED BY: [Name]</small> <small>CHECKED BY: [Name]</small> <small>DATE: 10/20/10</small>			



NO.	DATE	DESCRIPTION
1	05/10/2006	PRELIMINARY
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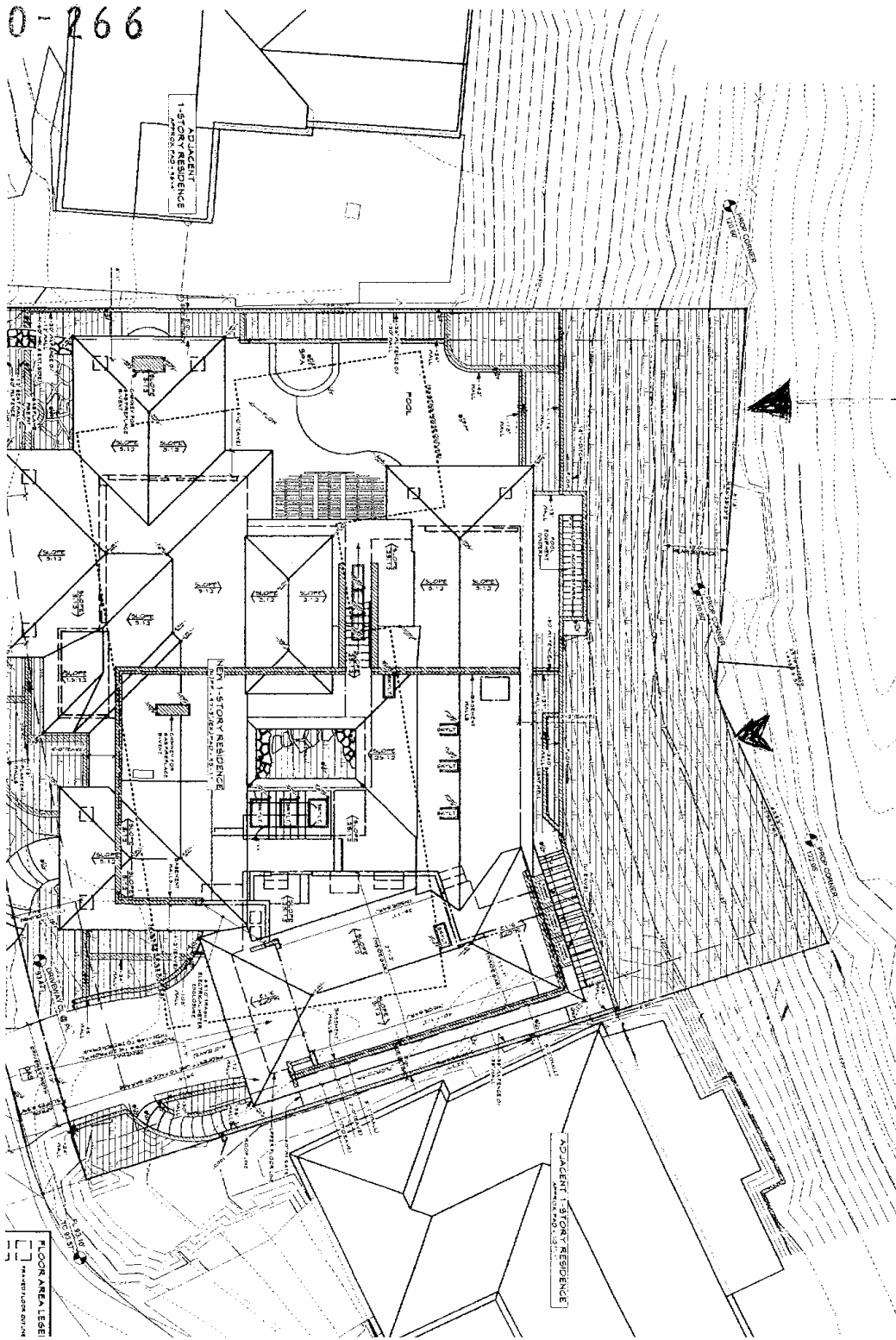
NOTE: NO TREES SHALL BE INSTALLED ON THIS PROJECT UNTIL THEY HAVE BEEN STAKED TO THE HEIGHT OF FUTURE PRIOR TO INSTALLATION AND RECEIVE APPROVAL FROM THE HOA.

**GENERAL NOTES:**

1. ALL PLANTINGS SHALL BE INSTALLED AS SHOWN ON THESE PLANS.
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<p><b>SHEET NO.</b> L-11 OF - 13</p>	<p><b>PLANTING PLAN</b></p>	<p><b>LANDSCAPE ARCHITECTURAL PLANS FOR</b> <b>JIM AND KELLY MAZZO</b> 2616 MONACO DR. • RIVINE COVE LAGUNA BEACH, CA 92653 P: (949) 775-7266 • CELL: 949-637-3672 mazzo@dmcc.com</p>	<p>2871 ACACIA ST., SUITE 100 NEWPORT BEACH, CA 92660 TEL: (949) 861-8888 FAX: (949) 861-8888</p> <p><b>LANDSCAPE ARCHITECTURE</b> <b>DAVID A. PEDERSEN-INC.</b></p>
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0-266



FLOOR AREA LEGEND  
1" = 1'-0"

Handwritten notes and signatures on the right side of the page, including a signature that appears to be 'M. MAZZO' and other illegible text.